

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION**

MARK A. PARTAIN,

Plaintiff,

VS.

**WARDEN BILLY MITCHEM
and CAPTAIN LLOYD
WALLACE**

Defendants.

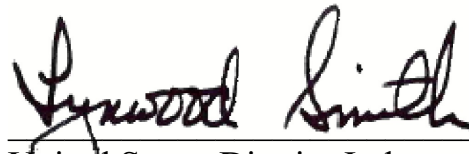
Civil Action No. CV 06-S-2093-NE

MEMORANDUM OF OPINION

The magistrate judge filed a report and recommendation on September 5, 2007, recommending that the defendants' motion for summary judgment be granted and this cause be dismissed with prejudice. No objections have been filed by any party.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the Court is of the opinion that the magistrate judge's report is due to be and it hereby hereby is, **ADOPTED**, and his recommendation is **ACCEPTED**. The Court **EXPRESSLY FINDS** that there are no genuine issues of material fact and that the defendants are entitled to judgment as a matter of law. Accordingly, defendants' motion for summary judgment is due to be **GRANTED** and this action is due to be **DISMISSED WITH PREJUDICE**. An appropriate order will be entered.

DONE this 29th day of October, 2007.

A handwritten signature in black ink, reading "Lynwood Smith". The signature is written in a cursive style with a large, stylized "L" and "S".

United States District Judge